

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JOHN STEVEN GARDNER)	
Petitioner)	
)	1:10-CV-610
v.)	
)	
RICK THALER, Director)	
Texas Department of Criminal Justice,)	(Death Penalty Case)
Correctional Institutions Division,)	
Respondent)	

OPPOSED
MOTION TO EXPAND THE RECORD

Pursuant to RULES GOVERNING SECTION 2254 CASES IN THE US DISTRICT COURTS, Rules 7, Mr. Gardner requests that this court expand the record to include the following:

Exhibit 1:	Shelli Schade Billing Records
Exhibit 2:	Defense Team Billing Records
Exhibit 3A&B:	Findings of Fact & Conclusions of Law (3A) and TCCA Sept 15, 2010 Order Denying Habeas Relief (3B)
Exhibit 4:	Joint Affidavit of House and Hultkrantz

WHEREFORE, pursuant to RULES GOVERNING SECTION 2254 CASES IN THE US DISTRICT COURTS, Rule 7, Mr. Gardner requests that this court order that the record be expanded to include the items described above.

Respectfully submitted,

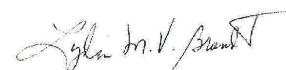


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CERTIFICATE OF CONFERENCE

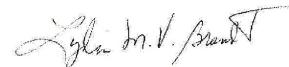
This certifies that on August 24, 2011, undersigned counsel conferred with Mr. Matthew Ottoway, of the Texas Attorney General's Office, Capital Litigation Division, counsel for Respondent concerning Petitioner's Motion. Mr. Ottoway stated Respondent is opposed.



Lydia M.V. Brandt

CERTIFICATE OF SERVICE

This certifies that on September 7, 2011, I electronically filed the foregoing document with the clerk of court using the electronic case filing system of the court. The electronic case filing system sent a notice of electronic filing to the following attorney of record, who has consented in writing to accept this notice as service of this document by electronic means: Matthew Ottoway, Assistant Attorney General, Counsel for Respondent.



Lydia M.V. Brandt